IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.19971 of 2000

Between:

Y. Sreenu, E.600721, S/o. Gangaraju,
Harijanapeta, Kottipudi,

Via Chebrolu, Sankhavaram Mandal,
E.G.District.

..... PETITIONER

AND

1. A.P.S.R.T.C., rep. by its Vice-Chairman & Managing Director, A.P.S.R.T.C.. Musheerabad, Hyderabad.
2. A.P.S.R.T.C., rep. by its Regional Manager, APSRTC, Rajahmundry Region, Rajahmundry, E.G. District.
3. A.P.S.R.T.C., rep. by its Deputy Chief Traffic Manager, APSRTC, Rajahmundry Region, Rajahmundry, E.G. District.
4. A.P.S.R.T.C., rep., by its Depot Manager, Kakinada, E.G. District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, direction or writ particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the action of the respondent Depot Manager - a) in disengaging the petitioner without conducting regular enquiry and without issuing any charge sheet is punitive; b) declaring the action of the respondents in deleting the name of the petitioner from the selection list as illegal and arbitrary; c) declaring the action of the respondents appointing the petitioner on daily wage basis though the petitioner was appointed on regular vacancies by selection committee; d) declaring the action of the 4th respondent in deleting the name of the petitioner from

the selection list of driver by Proceedings No: M2/2(ii)/2000 KKD dt.29-7-2000 is illegal and arbitrary and violative of principles of natural justice and consequently set aside the same and direct the respondents to reinstate the petitioner into service as Driver with all consequential benefits.

Counsel for the Petitioner: Mr.P.GOVINDA RAJULU

Counsel for the Respondents : Mr.Y.VIVEKANANDA SWAMY

The Court made the following :

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ORAL ORDER:

The petitioner was appointed as a daily wage driver in the respondent Corporation on 12-4-1999 for a period of six months and his services were extended from time to time. He was involved in a fatal accident on 17-5-2000 while driving the bus bearing No. No.AP-10-Z-2314 from Kakinada to Tuni. Fourth respondent issued a show cause notice dated 1-6-2000 and the petitioner submitted his detailed explanation. But without conducting any enquiry, fourth respondent passed the impugned order dated 29-7-2000 deleting the name of the petitioner from the selection list, which is in violation of principles of natural justice.

The question that arises for consideration is whether without conducting enquiry as regards the accident caused on 10-1-2001, deletion of the name of the

petitioner from the approved select list of the Corporation by proceedings dated 29-7-2000 is valid or not?

Admittedly, no charge sheet has been issued and no enquiry has been conducted. Based on the preliminary enquiry only, show cause notice was issued to the petitioner on 1-6-2000 to which the petitioner submitted his explanation denying all the allegations. Without accepting the explanation and without conducting any enquiry, the name of the petitioner has been deleted from the approved select list of the drivers of the Corporation by proceedings dated 29-7-2000. Questioning the said proceedings, this writ petition is filed. The reason for his removal is as he caused the accident, he is not suitable for his regular appointment.

The issue raised in this writ petition is squarely covered by the order of this Court in **Smt. A. Hemalatha v. APSRTC** (W.P.No.401 of 2000, dated 22-6-2000). In the said order, this Court has taken a view that the services of temporary employees cannot be terminated without conducting enquiry and mere issuance of show cause notice and calling for explanation is not sufficient compliance of principles of natural justice to punish a person by creating a stigma on him which would hurt him throughout his life. Since enquiry has not been conducted and an order has been passed deleting his name, which creates a stigma on the petitioner, the impugned order is unsustainable.

Accordingly, the writ petition is allowed and the order dated 29-7-2000 deleting the name of the petitioner from the approved list of drivers of the Corporation is set aside. However, the respondents are not precluded from proceeding with the matter in accordance with law if they choose to do so. No order as to costs.

24th August 2004. **(V.ESWARAIAH, J.)**

ARS

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Tuesday the Twenty Fourth day of August Two Thousand and Four.

To

1. Vice-Chairman & Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad.
2. Regional Manager, A.P.S.R.T.C., Rajahmundry Region, Rajahmundry, E.G. District.
3. Deputy Chief Traffic Manager, APSRTC, Rajahmundry Region, Rajahmundry, E.G. District.
4. Depot Manager, A.P.S.R.T.C., Kakinada, E.G. District.